

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BYRON AUTMAN,

Plaintiff,

File no: 2:08-CV-87

v.

HON. ROBERT HOLMES BELL

DAN DURANT, et al.,

Defendants.

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**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation (docket #42) is hereby adopted and approved as the opinion of the Court.

THEREFORE, IT IS ORDERED that Defendants' Motions for Summary Judgment (docket ##23 and 38) are hereby **GRANTED**.

IT IS FURTHER ORDERED that Defendant Rich Miller is **DISMISSED** for lack of service.

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. §1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated: March 11, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE